THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.15622 of 2007

Between:

Padakala Srinivasa Rao. … Petitioner

and

Government of Andhra Pradesh and others.

… Respondents

ORDER:

It is the case of the petitioner that there are certain civil disputes between the petitioner and one Padakala Rama Rao in respect of the agricultural lands and the civil suits are pending in the Civil Court. It is stated that in relation to the civil disputes, which are pending adjudication before the Civil Court, the 4th respondent started interfering with the peaceful possession and enjoyment of the property in question and prevented him from thrashing the crop cut by him by posting two constables round the clock for a period of 15 days. Finally, he got the paddy crop thrashed from 11-05-2006 to 13-05-2006 by posting two police constables namely P.C.1097 Kameswara Rao and P.C.No.79 Baig and used the services of Tractor Trailor bearing No.AP-7-G-2845, 2846 belonging to one Sri Mohd.Jalal and took away about 200 bags of paddy worth Rs.90,000/- in lorry bearing No.AP-10-T-6999.

It is further stated that the petitioner made a representation before the Superintendent of Police, Krishna District, Machilipatnam-2nd respondent on 11-11-2006. But, so far, no action has been taken.

On instructions, the learned Government Pleader submits that the said representation was already got enquired through the Inspector of Police, Hanuman Junction. After conducting enquiry, he submitted a report in C.No.3963/G2/06 before the 2nd respondent.

A perusal of the said enquiry report goes to show that the civil suits are pending in the Courts between the petitioner and one Padakala Rama Rao.

Every year during the time of plantation, either of the party is getting injunction order from the Civil Court and raising the crop and at the time of harvest, the other party is getting vacate order and try to harvest the crop. In this connection, a case in Cr.No.36 of 2005 was registered against the petitioner for the offence punishable under Section 324 IPC and the same is pending.

Insofar as the complaint of the petitioner is concerned, it is stated that he examined one Nakka Pandu Ranga Rao, who is a rice mill owner and one Munnagi Seshagiri Rao, who is a paddy broker. They stated that the paddy mentioned in the report i.e., 200 bags was given by a mediator broker Munnagi Seshagiri Rao towards Rice Mill of Nakka Pandurangarao, and the Rice Mill owner Pandu Ranga Rao gave amount to Padakala Srinivasa Rao for the paddy of 200 bags. It is stated that the allegations levelled against the police are not proved.

Admittedly, the enquiry report goes to show that no proper enquiry has been conducted by examining the owners of the Tractor Trailor and the Lorry and also with regard to posting of two constables. Merely because the civil suits are pending, the police have no right to interfere with the civil disputes of the petitioner without there being any specific order from the Civil Court. Therefore, I am of the opinion that detail enquiry has to be conducted.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the petitioner to file another representation before the 2nd respondent. On filing such representation, 2nd respondent shall get the matter enquired into by any officer of the rank of Deputy Superintendent of Police, as expeditiously as possible. If the enquiry report reveals about the alleged illegal action on the part of the concerned police

official, appropriate action shall be taken against him in accordance with law.

There shall be no order as to costs.

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06-08-2007

Prv